

### REMARKS

With entry of the present Amendment and Response, claims 1-3, 7, 11 and 14-27 are pending; claims 2, 3, 11 and 14-17 are withdrawn. Claims 1, 7, 14, 18, 22 and 23 are amended. New claims 26 and 27 are presented.

No new subject matter is added. Support for the claim amendments and new claims are found in the specification as originally filed, and may be discussed with reference to paragraph numbers in the corresponding published US patent application US 2004/0210301 A1 (published October 21, 2004). Examples of support in the specification include the following: recitation of "an overhang portion" of the biomaterial forming a "pocket adapted to capture retrograde fluid flow" includes paragraphs [0071] through [0073]. Support for the recitation of a biomaterial comprising elastin or an elastin-like polypeptide includes paragraph [0067]. The above cited examples provide representative support in the specification for the amendments and new claims presented above. No new matter is added.

### CLAIM REJECTIONS

#### *Claim Rejections Under 35 U.S.C. § 102(e)*

Claims 1, 7 and 18-24 stand rejected under 35 USC 102(e) for allegedly being anticipated by US 6,440,164 ("DiMatteo"). In particular, the Office Action asserts with respect to DiMatteo: "[t]he 'overhang portion' or 'skirt portion' is broadly interpreted as the portion that will 'overhang' before attaching/laminating to itself." (Office Action at page 4). Without conceding the validity of this rejection, Applicants have elected to amend the claims to focus on certain preferred embodiments. DiMatteo does not teach or suggest an overhang portion in the implantable valve prosthesis after attaching a biomaterial to a support frame. Applicants respectfully request

reconsideration and withdrawal of this rejection in light of the claim amendments.

*Claim Rejections Under 35 U.S.C. § 102(e)*

Claims 1, 7 and 18-25 stand rejected under 35 USC 102(b) for allegedly being anticipated by US 5,489,297 ("Duran"). In particular, the Office Action asserts with respect to Duran: "[t]he 'overhang portion' or 'skirt portion' is broadly interpreted as the portion that will 'overhang' before attaching/laminating to itself." (Office Action at page 6). Without conceding the validity of this rejection, Applicants have elected to amend the claims to focus on certain preferred embodiments. Duran does not teach or suggest an overhang portion in the implantable valve prosthesis after attaching a biomaterial to a support frame. Applicants respectfully request reconsideration and withdrawal of this rejection in light of the claim amendments.

*Claim Rejection Under 35 U.S.C. § 103(a)*

Claim 25 is rejected under 35 U.S.C. §103(a) as allegedly being obvious over US 6,440,164 ("DiMatteo"). In particular, the Office Action asserts in relevant part that:

It would have been obvious... to have used any of the specific bioabsorbable materials disclosed in claim 25 with the valve of DiMatteo et al.... (Office Action at page 7).

Without conceding the validity of this rejection, Applicants have elected to amend the claims to focus on certain preferred embodiments. DiMatteo does not teach or suggest an overhang portion in the implantable valve prosthesis after attaching a biomaterial to a support frame. Applicants respectfully request reconsideration and withdrawal of this rejection in light of the claim amendments.

*Claim Rejection Under 35 U.S.C. § 112, second paragraph*

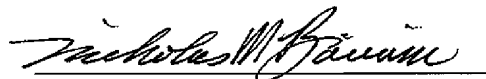
Claims 1 and 18-25 are rejected under 35 U.S.C. §112, second paragraph, for allegedly being indefinite. In particular, with respect to claim 1, the office action asserts that the claim limitation "the wall-engaging outer edge" lacks antecedent basis. With respect to claims 18, 21, 22 and 23, the Office Action asserts that the limitations "the vessel," (claim 19) "claim x," (claim 21) and "the fixation" (claims 22 and 23) lack antecedent basis. Applicants respectfully submit that the amended claims obviate the basis for these rejections. Reconsideration and withdrawal of these rejections is requested.

**Conclusion**

Applicants request prompt examination of the claims of this application on the merits. If the Examiner has any further questions, the Examiner is respectfully invited to telephone the undersigned attorney.

Respectfully submitted,

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